IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL MISCELLANEOUS APPLICATION NO.56 OF 2007
IN
CRIMINAL REVISION APPLICATION NO.219 OF 2003
IN
CRIMINAL REVISION APPLICATION NO.779 OF 2002
IN
CASE NO.3960/MH OF 2001

Shri Mohnish Bahl ...Applicant.
V/s.
1. Brihanmumbai Mahanagarpalika
2. The State of Maharashtra ...Respondents.

Shri M.A.Rochiramani, adv. for the Applicant.

S.H.Ujjainwala & Uday Kedar and A.N.Pathan for the Respondent No1.

Shri U.V.Nikam, APP for the State.

CORAM: J.H.BHATIA, J.
DATE : 9th March, 2007.

P.C.:

1. Heard Mr.Ruchiramani, the learned counsel for the applicant , Ms.A.N.Pathan, the learned counsel for the respondent no.1 and Mr.Nikam, the learned APP for the State.

2. The applicant holds a passport which is to be renewed. For that purpose, he moved an application on 6-11-2006 before the Regional Passport Office, Bombay. By letter dated 22nd January, 2007, the Regional Passport Office informed him that as per the information

received from DCP SB-II, CID, Bombay, a criminal case no.3960/MH/2001 is pending against him in the Court of law. The Regional Passport Office also informed the applicant that he could avail restricted passport facilities under GSR Notification No.570(E) dated 25th August, 1993 if the concerned Court permits to travel abroad. It appears that only because of the pendency of the above referred criminal case, there was difficulty in granting of passport facility.

3. It is pointed out by the learned counsel for the applicant that the said offence is based on the notice under Section 381 punishable under Section 471 of the Bombay Municipal Corporation Act, 1988. The offence is punishable with fine which may extend to Rs.1,000/-and minimum fine shall be not less than Rs.200/-. No sentence of imprisonment is provided for the offence under Section 381. The learned counsel for the B.M.C. makes a statement that the B.M.C. has no objection if the passport facility is provided to the applicant.

4. In view of the consent given on behalf of the respondent no.1, the applicant is permitted to travel abroad. Regional Passport Office, Bombay may issue passport to him as per the law.

(J.H.Bhatia,J.)